IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.23748 OF 2005

Between:

Project Officer, Integrated Tribal

Development Agency, Rampachodavaram,

East Godavari District, and another.

..... PETITIONERS

AND

B.Sudarsana Rao, S/o.Prabhakara Rao,

Aged 30 years, PET, TWAUP School,

Kakawada, Rampachodavaram Mandal,

East Godavari District.

....RESPONDENT

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

RAMESH RANGANATHAN

WRIT PETITION No.23748 OF 2005

O R D E R

(Per Sri Justice Ramesh Ranganathan)

The order of A.P. Administrative Tribunal in O.A.No.4281 of 2004, dated 16.02.2005, whereby the impugned order of the 1st respondent dated 07.06.2004 was set aside, is impugned in the present writ petition.

By proceedings dated 07.06.2004, the services of the respondent were terminated on the ground that he failed to submit a fresh caste certificate. It is the specific case of the respondent herein, before the Tribunal and that he belongs to sub-caste Valmiki falling under Scheduled Tribes, that he has submitted a caste certificate, issued by the Mandal Revenue Officer, Rampachodavaram Mandal after verification, on 03.02.1992. This specific plea in the application filed in O.A.No.4281 of 2004 has not been denied by the petitioners herein. In fact, no counter was filed in the O.A. Even in the affidavit, filed in support of the present writ petition, this fact is not contraverted.

Learned Government Pleader for Services-II would however submit that the respondent herein did not produce the original caste certificate even at the time of his initial appointment and would refer to the proceedings of the Project Officer, ITDA, Rampachodavaram, dated 06.03.2000, whereby the respondent was informed that he should submit the original caste certificate pertaining to Sub-Caste Valmiki under Scheduled Tribe from the concerned Mandal Revenue Officer within two months from the date of joining the service and if the outcome is negative, he would have to forego his job. This submission made by the learned Government Pleader across the bar does not find any support in the pleadings, even in the affidavit filed in support of the writ petition before this Court. On the other hand, the material on record would disclose that the respondent was asked to submit a fresh caste certificate. It is the specific case of the respondent herein, in the application filed in O.A.No.4281 of 2004, that the petitioners herein had asked the respondent to submit a fresh caste certificate. This requirement, as has been held in a catena of decisions of the Supreme Court as well as this Court, is contrary to law and so long as the original caste certificate is not cancelled in accordance with the A.P. (SC, ST and BCs) Regularization of Issue of Community Certificate Act, 1993, the caste certificate issued shall remain in force and be valid for all purposes and it is not open to the authorities concerned to call upon any

individual to submit a fresh caste certificate.

Since the petitioners were precluded, in law, from directing the respondent to produce a fresh caste certificate and in the light of the specific assertion that the respondent had submitted the original caste certificate issued by the Mandal Revenue Officer in the year 1992 itself, the impugned order of the Tribunal, in setting aside the order of termination dated 07.06.2004, does not call for any interference by this Court.

The Writ Petition is accordingly dismissed at the admission stage itself. No costs.

JUSTICE J.CHELAMESWAR

JUSTICE RAMESH RANGANATHAN

9th NOVEMBER, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

RAMESH RANGANATHAN

WRIT PETITION No.23748 OF 2005

(Per Sri Justice Ramesh Ranganathan)

9TH NOVEMBER, 2005